

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT



To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2004/017134

International filing date (day/month/year)
11.11.2004

Priority date (day/month/year)
12.11.2003

International Patent Classification (IPC) or both national classification and IPC
F04B39/02

Applicant
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/017134

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/017134

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-8
	No: Claims	1,2
Inventive step (IS)	Yes: Claims	
	No: Claims	3-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

1. Document WO-A-93 22557 (D1) defines a relevant state of the art with respect to the subject-matter of claim 1, since this document discloses a compressor comprising a hermetic container 1 storing oil in it, an electric motor including a stator and a rotor which are contained in said hermetic container, and a compressor unit linked to be driven by said electric motor, said compressor unit including a shaft 5, 20 that is extending in the vertical direction and making rotating motion by said electric motor, and an oil pump which is formed at the lower end of said shaft and connected to said oil, whereby said oil pump includes a helical groove 22 provided on the outer periphery of said shaft, a cup-shaped sleeve 30 which loosely covers the outer peripheral lower end part of said shaft so that it covers the lower end of said helical groove 22 and is coupled so as to be free in rotational relation from said shaft, and rotation-suppressing means 50 for suppressing the rotation of said sleeve (cf. Figure 4a).

The present application does not meet the criteria of Article 33 (1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33 (2) PCT.

2. Dependent claim 1 of the application cannot save claim 1 because it does not add any novel feature with regard to the document WO-A-93 22557 (D1), because D1 already discloses a bracket 50,51 which is held between the stator and the sleeve 30 and fixes said sleeve to said stator (cf. page 15, line 25-page 16, line 5).
3. The subject-matter of dependent claims 3-8 do not appear to add anything which might be considered novel or inventive in the present context, in view of the disclosure in the above mentioned document D1 in combination with the disclosure in the further documents JP-A-60 119389 (D2), US-A-2002/063017 (D3) and US-A-2002/172607 (D4) cited in the search report.

D2 shows the provision of wings 51, D3 discloses the possibility of using magnets and D4 the arrangement of elastic means supporting the compressor unit in a hermetic container.

4. When filing a revised set of claims, then the applicant is requested to take into consideration the following:

- a) To meet the requirements of Rule 6.3 (b) PCT the independent claim 1 should be properly cast in the two part form, with those features which in combination are part of the prior art being placed in the preamble.
- b) Reference signs in parentheses should be inserted in the claims to increase their intelligibility, Rule 6.2 (b) PCT. This applies to both the preamble and characterising portion.
- c) The description must be brought into conformity with the new claims to be filed; care should be taken during revision, especially of the introductory portion including any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed, Article 34 (2)(b) PCT.
- d) To meet the requirements of Rule 5.1 (a)(ii) PCT, the documents D1-D4 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- e) When filing a new independent claim comprising technical features other than those features present in the originally filed set of claims, the applicant is requested to indicate in detail (description, page ..., lines ...) in his letter of reply the basis for these features.